



State of Louisiana

KATHLEEN BABINEAUX BLANCO
GOVERNOR

Gaming Control Board

H. CHARLES GAUDIN
CHAIRMAN

DECISION OF THE LOUISIANA GAMING CONTROL BOARD

IN RE: ERIKA E. BROWDER
No. P040026926

Erika E. Browder appeals the Hearing Officer's decision which revoked Ms. Browder's non-key gaming employee permit without prejudice.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of October 18, 2005:

IT IS ORDERED THAT the Hearing Officer's decision is **AFFIRMED**.

THUS DONE AND SIGNED on this the 19th day of October, 2005.

LOUISIANA GAMING CONTROL BOARD

BY: H. Charles Gaudin
H. CHARLES GAUDIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 20th DAY
OF October 2005
APPEAL DOCKET CLERK
[Signature]

**STATE OF LOUISIANA
GAMING CONTROL BOARD**

**ADMINISTRATIVE HEARING
MAY 12, 2005**

**HEARING OFFICER
JOSEPH E. ANZALONE, JR.**

**IN RE: ERIKA E. BROWDER
#P040026926**

Joseph E. Anzalone, Jr.
TRUE COPY
Rep. [unclear] [unclear]
Louisiana Gaming Control Board

**IN RE: ERIKA E. BROWDER
#P040026926**

APPEARANCES:

For the State of Louisiana:
Ms. Charmaine Moore
Assistant Attorney General
1885 N. 3rd Street
Livingston Bldg. 5th Floor
Baton Rouge, LA 70802

For Erika E. Browder:
Ms. Erika E. Browder
P.O. Box #288
Gibsland, LA 71028
In Proper Person

STATEMENT OF THE CASE:

The Louisiana State Police, Casino Gaming Division (“Division”) seeks to revoke the non-key gaming employee permit currently issued to Ms. Erika E. Browder alleging she faces unresolved charges of felony theft and cruelty to a juvenile.

STATE’S EVIDENCE AND CONTENTIONS:

The State has offered, filed, and introduced into evidence an exhibit file marked S-1 (in globo) and containing the following documents:

1. Incident Report Case #1-03-003334 from Bossier City Police Department dated February 28, 2003;
2. Suspect Rap Sheet;
3. Bill of Information from 26th Judicial District Court, Parish of Bossier, Criminal Docket #118951 for charges of assault with a dangerous weapon filed March 19, 2003;
4. Criminal Case Minutes, Criminal Docket #118,951 dated October 26, 2004;
5. Bill of Information form 26th JDC, Parish of Bossier for charge of simple battery dated March 19, 2003;
6. Criminal Case Minutes dated October 26, 2004;
7. Incident Report from Bossier City Police Department dated September 7, 2004;

8. Affidavit of Bossier City Police Department for criminal warrant #04-17526 dated September 22, 2004;
9. Criminal Warrant #04-17526, State v. Erika Browder dated September 22, 2004;
10. Arrest Report from Bossier City Police Department, September 23, 2004;
11. Suspect Rap Sheet;
12. Bill of Information from 26th Judicial District Court, #130,353. charges of intentional, criminal or negligent, mistreatment or neglect of a juvenile, La. R.S. 14:93, filed October 20, 2004;
13. Criminal Case Minutes, Criminal Docket #130,353 dated April 25, 2005;

Division agent, Ms. Tammy Panepinto, testified that charges for cruelty to a juvenile are currently pending against Ms. Browder in the 26th Judicial District Court, Parish of Bossier. As such, the Division requests that her non-key gaming employee permit be revoked.

LICENSEE'S EVIDENCE AND CONTENTIONS:

The licensee testified that the charges of cruelty to a juvenile are currently pending against her and trial is set for June 16, 2005.

FINDINGS OF FACT:

On May 5, 2003, Ms. Erika Browder was ordered to pay court costs and attend anger management resulting from her arraignment on charges of aggravated battery. Charges were nolle prossed September 2004.

On January 31, 2005, Ms. Erika E. Browder pled not guilty to charges of Cruelty to a Juvenile in the 26th Judicial District Court, Parish of Bossier, she received a trial date of June 16, 2005;

APPLICABLE LAW:

La. R. S. 27:28(B)(1)(a) provides:

The board or division, where applicable, shall not grant a license or permit, enter into a casino operating contract, or issue any other approval pursuant to the provisions of this Title to any person who is disqualified on the basis of the following criteria:

- (1) The conviction or a plea of guilty or nolo contendere by the applicant or any person required to be suitable under the provisions of this Title for any of the following:
 - (a) Any offense punishable by imprisonment of more than one year.

La. R.S. 14:93 provides in pertinent part:

A. Cruelty to juveniles is the intentional or criminally negligent mistreatment or neglect, by anyone over the age of seventeen, of any child under the age of seventeen whereby unjustifiable pain or suffering is caused to said child. Lack of knowledge of the child's age shall not be a defense.

D. Whoever commits the crime of cruelty to juveniles shall be fined not more than one thousand dollars or imprisoned with or without hard labor for not more than ten years, or both.

La.R.S. 27:28(F) provides:

All licensees, all permittees, the casino gaming operator, any other persons who have been found suitable or approved by the board or division shall maintain suitability throughout the term of the license, permit, casino operating contract, or approval. In the event of a current prosecution of an offense as provided in R.S. 27:28(B)(2), the board or division where applicable, shall have the discretion to defer a determination on a person's continuing suitability pending the outcome of the proceedings provided that if a decision is deferred pending such outcome the board, or division where applicable, may take such action as is necessary to protect the public trust, including the suspension of any license or permit.

REASONS FOR DECISION:

On May 5, 2003, Ms. Erika Browder was ordered to pay court costs and attend anger management after being arraigned on charges of aggravated battery. Charges were nolle prossed September 2004.

On January 31, 2005, Ms. Erika E. Browder pled not guilty to charges of Cruelty to a Juvenile in the 26th Judicial District Court, Parish of Bossier, she received a trial date of June 16, 2005;

In consideration of the above referenced criminal charges, Ms. Browder is statutorily disqualified from participating in the gaming industry in the State of Louisiana. Because charges are pending, justice demands that the revocation be without prejudice

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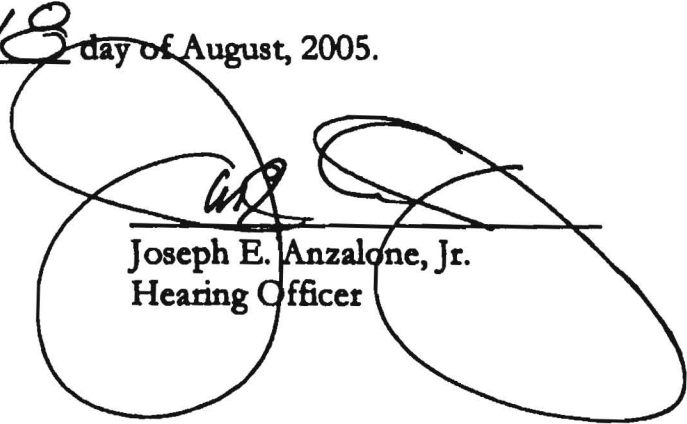
JUDGMENT

When after consideration of the evidence offered, the law and argument of the parties hereto:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the non-key gaming employee permit issued to Erika E. Browder is **REVOKED**, without prejudice.

Baton Rouge, Louisiana, this 18 day of August, 2005.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 10th DAY
OF AUGUST, 2005
Will Domingue
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE



Joseph E. Anzalone, Jr.
Hearing Officer

cc: Erika Browder
Charnaine Moore
Tammy Peneputo

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 8/18/05
Will Domingue
BY: CLERK